

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

HEADWATER PARTNERS II LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

T-MOBILE USA, INC. AND SPRINT LLC,

*Defendants and Counterclaimant-Plaintiffs.*

HEADWATER PARTNERS II LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

AT&T SERVICES, INC., AT&T MOBILITY  
LLC AND AT&T CORP.,

*Defendants and Counterclaimant-Plaintiffs.*

HEADWATER PARTNERS II LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

CELLCO PARTNERSHIP, D/B/A VERIZON  
WIRELESS, AND VERIZON CORPORATE  
SERVICES GROUP INC.,

*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:24-cv-00015-JRG-RSP

(Lead Case)

**JURY TRIAL DEMANDED**

Case No. 2:24-cv-00016-JRG-RSP

(Member Case)

**JURY TRIAL DEMANDED**

Case No. 2:24-cv-00007-JRG-RSP

(Member Case)

**JURY TRIAL DEMANDED**

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER  
AND CANCEL CLAIM CONSTRUCTION PROCEEDINGS**

For the above-captioned cases, the Parties<sup>1</sup> jointly file this Joint Motion to Amend Docket Control Order and Cancel Claim Construction Proceedings as follows:

Under the operative Docket Control Order (“DCO,” Dkt. 42 in the -015 case and Dkt. 33 in the -007 case), the Parties filed the Joint Claim Construction and Prehearing Statement on December 13, 2024 (“JCCS,” Dkt. 66 in the -015 case). In the JCCS, the Parties identified and proposed constructions for six disputed terms for U.S. Patent Nos. 9,094,868 and 9,413,502.

Subsequently, (1) the Parties jointly moved to dismiss U.S. Patent No. 9,413,502 from the cases, and the Court granted the Parties’ motion on January 2, 2025 (Dkt. 68 in the -015 case); and (2) Defendants and Intervenor-Defendants withdrew their proposed constructions for the three disputed terms of U.S. Patent No. 9,094,868 in the JCCS. Accordingly, the Parties agree that no claim construction is necessary, and the terms carry their plain and ordinary meaning.

Given the Parties’ agreement, the Parties jointly request that the Court amend the DCO to remove the remaining claim construction deadlines and cancel the claim construction hearing. The dates to be removed are:

- January 24, 2025 – Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
- February 12, 2025 – Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
- February 21, 2025 – \*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
- February 21, 2025 – \*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)

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<sup>1</sup> Collectively, the “Parties” are Plaintiff Headwater Partners II LLC (“Headwater”); Defendants T-Mobile USA, Inc and Sprint LLC (“T-Mobile”); Cellco Partnership, d/b/a Verizon Wireless, and Verizon Corporate Services Group Inc. (“Verizon”); AT&T Services, Inc., AT&T Mobility LLC and AT&T Corp. (“AT&T) (all together, “Defendants”); and Intervenor-Defendants Ericsson Inc., and Nokia of America Corporation (together “Intervenor-Defendants”).

- March 7, 2025 – \*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne.

A proposed amended DCO with these dates removed is attached as Exhibit A

Dated: January 21, 2025

/s/ Jacob K. Baron

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this January 21, 2025, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

*/s/ Marc Fenster*  
Marc Fenster

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

*/s/ Marc Fenster*  
Marc Fenster